

Appl. No.: 09/944,079
In Reply to Office Action of July 13, 2004

REMARKS

Claims 6-9 and 11-34 are pending. Claims 15 and 18 have been withdrawn from consideration. Independent Claim 6 has been amended to recite "consisting essentially of". New Claims 32-34 find support on page 14, line 22-page 15, line 13, of the specification. Accordingly, the Applicants do not believe that any new matter has been added.

The Applicants thank Examiner Coe for the courteous and helpful discussion on August 24, 2004. It was suggested that the Applicants might address the obviousness rejection by amending Claim 6 to use the transitional term "consisting essentially of". Claim 6 has now been so amended. Favorable consideration and allowance of this application is respectfully requested.

Election/Restriction

The Applicants thank Examiner Coe for rejoining Claims 8, 11-14 and 16-17. Applicants previously elected the species (A) chlorogenic acid and (B) organic acid (lactic acid). Upon an indication of allowability for the elected species the Applicants understand that examination will be extended to other species.

Rejection—35 U.S.C. 103

Claims 6-9, 11-14, 16, 17 and 19-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng et al., Chinese Pharm. J. 46:575 and Ahn, U.S. Patent No. 4,981,852. The Applicants reiterate their prior arguments with regard to this rejection. The

Appl. No.: 09/944,079
In Reply to Office Action of July 13, 2004

remaining concern was that the prior art might suggest combination of chlorogenic acid with a composition comprising triamptere and lactic acid (as a solubilizing agent). The

Applicants disagree that there is any suggestion to do this for the reasons of record. However, to further distinguish the claimed composition from the prior art, Claim 6 has now been amended to use the phrase "consisting essentially of" which permits the claimed composition to include ingredients that do not affect its basic and novel properties. Accordingly, the Applicants respectfully request that this rejection now be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Thomas M. Cunningham
Registration No. 45,394

Customer Number
22850

Tel.: (703) 413-3000
Fax: (703) 413-2220
NFO:TMC:krs